

#17



Patent Docket No.: UUN 99 006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

STONE et al.

Serial No.: 09/469,505

Filed: December 22, 1999

For: AN OVERLAY NETWORK FOR
TRACKING DENIAL-OF-SERVICE FLOODS
IN UNRELIABLE DATAGRAM DELIVERY
NETWORKS

:
:
:
:
: Group Art Unit: 2787

: Examiner: Unassigned

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REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. 1.47(a)

Box DAC
Hon. Assistant Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Sir:

In the Decision Refusing Status under 37 C.F.R. § 1.47(a) mailed on November 8, 2000, the U.S. Patent and Trademark Office indicated that the Petition under 37 C.F.R. § 1.47(a) filed February 16, 2000 was dismissed because it lacked (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration, and (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116. Applicants reply with the following submission to meet the requirements for acceptance of the petition under 37 C.F.R. § 1.47(a).

In another attempt to have Matthew J. Sibley execute the Declaration, the undersigned located Mr. Sibley's last known address by having an assistant contact the

Human Resources department at WorldCom, Inc. (see ATTACHMENT A, Assistant's E-mail conversation with Human Resources to locate Mr. Sibley's address, January 4, 2001). The undersigned then requested, in a cover letter sent to Mr. Sibley's last known residence address, that co-inventor Mr. Sibley review a copy of the specification, claims and drawings, and return an executed copy of the Declaration and Assignment. (see ATTACHMENT B, Oakes' Letter to Sibley, January 5, 2001). The last known residence address for Mr. Matthew J. Sibley is:

20231 Birdnest Place
Ashburn, VA 22011

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As evidenced by a copy of the front cover of the returned package (ATTACHMENT C, Express mail package cover) the letter was returned to Applicants since there was no forwarding address at the Post Office. Furthermore, the undersigned received no further evidence that Mr. Sibley will be executing the Declaration.

Based upon the above-described communication to Mr. Sibley, and based upon information and belief that the letter requesting signature of the declaration and Assignment documents after review of the specification drawings and claims were sent to Mr. Sibley's last known address, Mr. Sibley is unavailable to execute the Declaration.

In view of the fact that Applicants can no longer locate co-inventor Matthew J. Sibley, the declaration provided in Attachment C of the Applicants' original petition filed April 6, 2000 completes the remaining requirements under 37 C.F.R. § 1.47(a) indicated in the Decision Refusing Status. Specifically, Applicants submit that adequate proof has been provided indicating that the inventor cannot be reached, the Declaration is acceptable under 37 C.F.R. § 1.63, the appropriate petition fee accompanied the Petition, and Mr. Sibley's last known address has been provided.

Thus, the granting of this Petition is respectfully requested.

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Respectfully submitted,

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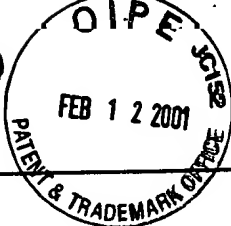
Brian C. Oakes
Registration No. 41,467

WorldCom, Inc.
1133 19th Street, N.W.
Washington, DC 20036
(202) 736-6371
Date: February 8, 2001
Facsimile: 202-736-6824

ATTACHMENT A

Assistant's E-mail conversation with Human Resources to locate Mr. Sibley's address

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**Goodwin, Tracy**

From: Dittore, Cheryl
Sent: Thursday, January 04, 2001 3:16
To: Goodwin, Tracy
Cc: Oakes, Brian
Subject: RE: Inventors Information

Tracy –

I received some information today concerning Matthew J. Sibley, SSN – 133-74-6025.
The last address that HR Records has on him is:

20231 Birdsnest Place
Ashburn, VA. 22011

They have no phone number on him.

Sorry, that seems to be all we have, hope this helps.
Cheryl

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-----Original Message-----

From: Cheryl Dittore [mailto:cheryl.dittore@wcom.com]
Sent: Friday, December 29, 2000 12:35 PM
To: 'Goodwin, Tracy'
Cc: 'Oakes, Brian'
Subject: RE: Inventors Information

Tracy –

The only information that's in the database for MS is an address of P.O. Box 2543, Fairfax, VA. 22032. There is no phone number.

I've requested the information to be pulled from his HR file in Denver; it usually takes a week to get that. As soon as I get something from HR Records, I'll forward it to you.

Thanks,
Cheryl

-----Original Message-----

From: Debbie Barbosa [mailto:debbie.barbosa@wcom.com]
Sent: Friday, December 29, 2000 12:19 AM
To: 'Goodwin, Tracy'; Cheryl Dittore (E-mail)
Cc: 'Oakes, Brian'
Subject: RE: Inventors Information

Hi Tracy,

Sorry, I am on maternity leave and I do not have access to the HR database. I will be back to the office on Jan 29 and I will be able to help you at that time.

Cheryl, could you please help Tracy with this request.
Thank you,

Debbie Barbosa
WorldCom Human Resources
Phone: 202-887-2818 or Vnet: 220-2818

1/4/01

Fax: 202-887-2347

AIM: DBarbosaHR

-----Original Message-----

From: Goodwin, Tracy [mailto:Tracy.Goodwin@wcom.com]

Sent: Thursday, December 28, 2000 10:32 AM

To: Barbosa, Debbie

Cc: Oakes, Brian

Subject: Inventors Information

Hi Debbie,

I need some more help, could you get me a current address, phone number or something on Matthew J. Sibley? He is an inventor for case number UUN-99-006. I don't have a phone number for him but I do have his last address as:

5245 West Runningbrook Road Apt 201
Columbia, Maryland 21044

Any information you have would be greatly appreciated.

Thanks,

Tracy Goodwin
Legal Assistant
Patent Acquisition and Technology Licensing
Technology Law Group
Phone: 202-736-6090
Fax: 202-736-6382

1/4/01

ATTACHMENT B

Oakes' Letter to Sibley dated January 5, 2001

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WORLD.COM

VIA EXPRESS (EK486605002US)
w/ RETURN RECEIPT REQUEST

Law and Public Policy
Technology Law Group
1133 19th Street, NW
Washington, DC 20036



January 5, 2001

Matthew J. Sibley
20231 Birdsnest Place
Ashburn, VA 22011
Ref. No.: UUN-99-006

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Dear Mr. Sibley:

Several attempts have been made to reach you in regards to a patent application entitled "An Overlay Network for Tracking Denial-of-Service Floods in Unreliable Datagram Delivery Networks", filed December 22, 1999 with the United States Patent and Trademark Office (USPTO). You are named as a co-inventor of the application, and your signature on some formal filing papers is required. Failure to respond to this notice may result in abandonment of the application.

Enclosed are copies of the Assignment and Declaration, the specification, claims, and drawings for your review and signature. Please review and sign the enclosed Assignment and Declaration so that we can make a timely response to the USPTO.

Please return these papers to us by close of business by January 21, 2001 at:

WorldCom, Inc.
Technology Law Department
[9854/003]
1133 19th Street, NW
Washington, DC 20036
Attn: Brian C. Oakes

Otherwise, we will assume you are either unwilling or unable to cooperate in this regard. If you have further questions, please feel free to contact me directly. Thank you in advance for your assistance on this matter.

Best regards,

Brian C. Oakes
Associate Technology Counsel
Patent Acquisition Team
Tel: (202) 736-6371
Fax: (202) 736-6382

Enclosures

ATTACHMENT C

Express Mail Package Cover

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